

EXHIBIT

No. 6 Davis  
Na 2/19/04**EMERGENCY**

Commonwealth of Massachusetts

DEPOSITION  
EXHIBIT3 Smith  
2/19/04

SUFFOLK, ss.

REFERENCE No. H14 - D08-806

To the Sheriffs of our several Counties, or their Deputies, or any  
Constable of any City or Town within our said Commonwealth:

December 20, 2000 GREETING.



CITY OF BOSTON

WE command you to serve the below-described person or legal entity:

Lincoln Smith, owner  
6 Willis St  
Dorchester, MA 02124

owner-occupant, tenant, or agent of property located in the City of Boston at:

265-9540  
Wd-13, 11 Newport St #3, Palmira Williams

The Commissioner of the Inspectional Services Department of the City of Boston has adjudged certain property which you own, manage, occupy or are in control of is in violation of 105 CMR 410.000 State Sanitary Code, Chapter II Minimum Standards of Fitness for Human Habitation. Authorized under Chapter 111, Section 127A of the Massachusetts General Laws or is in violation of other Massachusetts General Laws, or is in violation of certain ordinances of the City of Boston to wit:

**VIOLATION**  
 (1) 410.500 middle bedroom ceiling has an Active water leak. Ceiling has 2 large water stains, ceiling is in danger of collapsing, if leak continues (locate source of leak and repair, repair ceiling, restore ceiling back to it's original state).

"By virtue of the authority granted under Chap. 1 Sec. 400:200B, of the Sanitary Code. I hereby notify you that an emergency condition exists and that above violations must be corrected to meet this emergency".

"It is hereby stated that violations may endanger or materially impair the health or safety, and well being of any tenant therein or persons occupying said property."

HEREOF FAIL NOT, under penalty of law to comply with said Sanitary Code, within 24 hours.

(Signed under the pains and penalties of perjury.)

Erangelina M. Davis

Inspector

No. 730

635-5322 x1418

Ken J. [Signature]

Commissioner

Boston Inspectional Services

(SEE REVERSE SIDE FOR FURTHER NOTICE)

Compensation Will Not Be Allowed Unless Officer's  
Return Contains a Bill of Items, Together with Affidavits

Boston. ....

12/20 2007

Officer's Return, Suffolk, ss.

By virtue of this writ, I this day served the before-described person or entity by:  
(Circle Number that indicates method of service)

1. Personally.
2. By leaving a copy of the order at his last and usual place of abode.
3. By registered or certified mail, return receipt requested.
4. The premises are unoccupied and the residence of the owner or agent is unknown or is without the Commonwealth, therefore, I posted the order on a conspicuous place on the premises.

A true copy.

Attest: .....

*Evangelina Davis*  
**EVANGELINE DAVIS**  
**CONSTABLE-CITY OF BOSTON**

Fees,  
Service,  
Travel,

(If served other than personally please state reasons)

### EMERGENCY PROCEDURES — RIGHT TO A HEARING

With respect to a petitioner's right to a hearing, the State Sanitary Code 400.200(B) states that the person against whom this order is cited must first comply with this order within 24 hours from the date of receipt of said order. When you have corrected the specified violation, you may petition this Department for a hearing (in writing and within seven (7) days from the receipt of the order). Each day's failure to comply with this order will constitute a separate offense.

You have the right to inspect and obtain copies of all relevant inspections or investigation reports, orders, notices and other documentary information in the possession of this Department. This is a legal notice and no further notice will be given prior to prosecution under 105 CMR 410.000 State Sanitary Code, Chapter II.

If the violations are not corrected within 24 hours from your receipt of this order, you may be fined not less than ten dollars and not more than five hundred dollars, upon conviction in court. Owners should be advised that conditions that exist may permit the occupants of this dwelling to exercise one or more statutory remedies.

### NOTICE TO OCCUPANTS

If for any reason, you feel that services provided to you from the Inspectional Services Department personnel were not responsive to your needs, send written request for Hearing within 30 days after such inspection was requested or receipt of inspection report to:

Inspectional Services Department  
Division of Housing Inspection  
1010 Massachusetts Avenue  
Boston, MA 02118